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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
TOSHIKAZU YANAI ET AL.) Examiner: R. Tillery
Application No.: 08/994,642) Group Art Unit: 2612
Filed: December 19, 1997)
For: IMAGE PICKUP DEVICE) January 3, 2002

Commissioner for Patents
Washington, D.C. 20231

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RESPONSE

Sir:

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In response to the Office Action dated October 3, 2001, Applicants submit the following remarks.

Claims 1-10, 13-26 and 29-36 are presented for examination, and Claims 11, 12, 27 and 28 have been withdrawn from consideration.

Applicants note with appreciation the allowance of Claims 1, 2, 4, 6, 8, 10, 14, 16, 18, 20, 22, 24, 26, 30, 32 and 34.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on
January 3, 2002
(Date of Deposit)

Leonard P. Diana
(Name of Attorney for Applicant)

Leonard P. Diana
Signature

January 3, 2002
Date of Signature

Claims 3, 5, 7, 9, 13, 15, 17, 19, 21, 23, 25, 29, 31, 33, 35 and 36 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 5,880,781 (Udagawa et al.) in view of the cited Tanaka et al. article.

Applicants respectfully point out that Udagawa '781 is assigned to Canon Inc.. The Examiner is respectfully advised that as of the time the present invention was made, the present application also was assigned or under obligation of assignment to Canon Inc. (Canon Kabushiki Kaisha); the Assignment of this invention to Canon was recorded at Reel 9171, Frame 0540, on May 13, 1998. Since Udagawa '781 does not qualify as prior art against this application under any paragraph of 35 U.S.C. § 102 except Section 102(e), that patent is not available as prior art against this application in support of a rejection under Section 103. 35 U.S.C. § 103(c). Accordingly, withdrawal of the outstanding rejection is respectfully requested.

In view of the foregoing remarks, Applicants respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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